



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



September 13, 2002

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 02-34**

Technical Research and Manufacturing, Inc.  
280 South River Road  
Bedford, New Hampshire 03310

Attn: Mr. Anthony Tirollo, President

**Re: Technical Research and Manufacturing, Inc.  
South River Road, Bedford, New Hampshire  
EPA ID # NHD986484939**

Dear Mr. Tirollo:

On February 22, 2001, the Department of Environmental Services (DES) conducted an inspection of Technical Research and Manufacturing, Inc. (TRM) located at 280 South River Road, Bedford, New Hampshire. The purpose of the inspection was to determine TRM's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

**1 Env-Wm 502.01 - Hazardous Waste Determination**

At the time of the inspection, TRM did not know if the waste vapor Hypersolve NPB is a hazardous waste.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that TRM perform a hazardous waste determination for the waste vapor Hypersolve NPB. This determination may be made using analytical testing. This testing should include, at a minimum, the Toxicity Characteristic Leaching Procedure under Env-Wm 403.06, and ignitability under Env-Wm 403.03. TRM will need to provide the results of the hazardous waste determination, along with any other supporting data, such as chemical analyses, to DES. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

DES believes that in certain cases, a hazardous waste determination can be accomplished using your knowledge of the process. This process knowledge will need to include a review of materials introduced (*i.e.*, material safety data sheets), a description of the process, and a certification that the process does not come into contact with hazardous wastes or materials at any time. If your process knowledge does not definitively identify this waste as non-hazardous, then this determination will need to include testing for the hazardous waste characteristics of toxicity and ignitability to determine the appropriate hazardous waste code for the waste vapor Hypersolve NPB.

2. Env-Wm 507.03(a)(1)a. – Container Marking

At the time of the inspection, three (3) containers of hazardous waste were not marked with the beginning accumulation date [see the attached Hazardous Waste Container Inventory (“Inventory”)].

Env-Wm 507.03(a)(1)a. requires that containers of hazardous waste be clearly marked with the beginning accumulation date when they are first used to store waste.

DES requests that TRM mark containers with the beginning accumulation date when they are first used to store hazardous waste.

3 Env-Wm 507.03(a)(1)d. – Container Marking

At the time of the inspection, the three containers of hazardous waste were not marked with the EPA or state waste number (see attached Inventory).

Env-Wm 507.03(a)(1)d. requires that containers of hazardous waste be clearly marked with the EPA or state waste number when they are first used to store waste.

DES requests that TRM mark containers with the EPA or state waste number when they are first used to store waste.

4. Env-Wm 508.03(a) - Inspection Requirements

At the time of inspection, TRM was not conducting and documenting inspections of the hazardous waste containers.

Env-Wm 508.03(a) requires small quantity generators using the extended storage provision (*i.e.*, accumulation of up to 1,000 kilograms of hazardous waste on-site for greater than 90 days without a permit provided certain requirements are met) to conduct and document weekly inspections of all hazardous waste containers.

DES requests that TRM develop and implement a weekly inspection program of all hazardous waste containers, as specified in Env-Wm 508.03(a).

5 Env-Wm 508.03(e) – Emergency Posting

At the time of the inspection, TRM did not have the required posting of emergency information next to the telephone nearest the hazardous waste storage area.

Env-Wm 508.03(e) requires small quantity generators using the extended storage provision to post certain emergency information next to the telephone nearest the hazardous waste storage area.

DES requests that TRM post the emergency information next to the telephone nearest the hazardous waste storage area, as specified in Env-Wm 508.03(e). Enclosed is a sample posting for your reference.

6. Env-Wm 508.03(h) – “No Smoking” Sign

At the time of the inspection, TRM did not have “No Smoking” signs posted near ignitable wastes.

Env-Wm 508.03(h) requires small quantity generators using the extended storage provision to post “No Smoking” signs near ignitable or reactive wastes.

DES requests that TRM post a “No Smoking” sign near ignitable wastes.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by TRM can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against TRM, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Small Quantity Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Tod G. Leedberg, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Marschner", is written over a large, bold, black "COPY" stamp.

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

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DB/RCRA/LOD/Archives  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, Administrator, DES Legal Unit  
Michael May, TRM, Safety officer/System Support Coordinator

E-mail: JJD/SD

Enclosure: Inspection Checklist